

AGENDA ITEM #15A
December 4, 2007

Introduction

MEMORANDUM

November 29, 2007

TO: County Council

FROM: Jeffrey L. Zyontz, ^{LS}Legislative Attorney

SUBJECT: Introduction – Zoning Text Amendment 07-16,
Rural Cluster- Outdoor Storage

Zoning Text Amendment (ZTA) 07-16 is sponsored by Council Vice President Knapp. The ZTA proposes to amend the Rural Cluster Zone to allow outdoor storage as a special exception and to provide standards for an outdoor storage special exception. The standards proposed would require a minimum 8 acre site, direct access to no less than a primary road, adequate on-site parking, and screening of the use from adjoining and confronting residential properties.

The public hearing on ZTA 07-16 is scheduled for January 15, 2008 at 1:30 pm.

Ordinance No:
Zoning Text Amendment No: 07-16
Concerning: Rural Cluster –
Outdoor Storage
Draft No. & Date: 3 – 11/27/07
Introduced:
Public Hearing:
Adopted:
Effective:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Council Vice President Knapp

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow outdoor storage yards as a special exception in the Rural Cluster Zone;
- establish standards for the approval of outdoor storage yards as a special exception; and
- generally amending provisions related to special exceptions in the Rural Cluster Zone.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-9 “AGRICULTURAL ZONES”
Section 59-C-9.3 “Land uses”
DIVISION 59-G-2 “SPECIAL EXCEPTIONS-STANDARDS
AND REQUIREMENTS.”

Add a new section
Section 59-G-2.54.3. “Storage, outdoor”

EXPLANATION: **Boldface** indicates a heading or a defined term.

Underlining indicates text that is added to existing laws by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

* * * indicates existing law unaffected by the text amendment.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Division 59-C-9 is amended as follows:

DIVISION 59-C-9. AGRICULTURAL ZONES.

59-C-9.3. Land uses.

No use is allowed except as indicated in the following table:

— **Permitted uses.** Uses designated by the letter “P” are permitted on any lot in the zones indicated, subject to all applicable regulations.

— **Special exception uses.** Uses designated by the letters “SE” may be authorized as special exceptions, in accordance with the provisions of Article 59-G.

* * *

	Rural	RC	LDRC	RDT	RS	RNC	RNC/ TDR
(b) Agricultural-Industrial:							
Abattoir.	SE	SE ²	SE ²	SE			
Agricultural processing. ³⁶	SE	SE ²	SE ²	SE	SE		
Construction Debris Reclamation Facility.					P		
Contractors storage yard ²⁸ (existing)					P		
Grain elevator. ³⁶	SE	SE ²	SE ²	SE	SE		
Manufacture of light sheet metal products. ²⁸ (existing)					P		
Manufacture of mulch and composting.	SE	SE ²	SE ²	SE	SE		
Milk plant. ³⁷	SE	SE ²	SE ²	SE			
<u>Storage, outdoor</u>		<u>SE</u>					
Sawmill.	SE	SE ²	SE ²	SE			
Storage for recycling of building or construction materials. ²⁸ (existing)					P		
Winery. ³⁸	SE/P	SE/P	SE/P	SE/P	SE/P	SE ²	SE ²

Wood product and furniture manufacturing. ²⁸ (existing)					P		
	*	*	*				

Sec. 2. Division 59-G-2 is amended as follows:

Division 59-G-2 SPECIAL EXCEPTIONS –STANDARDS AND REQUIREMENTS.

The uses listed in this Division, as shown on the index table below, may be allowed as special exceptions in any zone where they are so indicated, as provided in this Article, subject to the standards and requirements in this Division and the general conditions specified in Section 59-G-1.21.

USE SECTION

	*	*	*
Sanitarium.....	See G-2.31		
Sawmills.....	G-2.54		
Secondary agricultural processing, not otherwise specified.....	G-2.54.1		
Solid waste transfer station, sanitary landfill, or incinerator.....	G-2.54.2		
<u>Storage, outdoor.....</u>	<u>G-2.54.3</u>		
Swimming pools, commercial.....	G-2.55		

* * *

59-G-2.54.3. Storage, outdoor.

A special exception may be granted for a storage, outdoor use, including portable toilet storage, subject to the following requirements:

- (a) The minimum area of the property must be 8 acres.
- (b) The minimum setback from any property line must be 50 feet, except that the minimum setback may be reduced to 20 feet for structures that existed as of January 1, 1995, and if the site abuts land classified in

35 the Rural Cluster Zone that is not developed under the cluster option
36 of the Rural Cluster Zone.

37 (c) The property must front on and have direct access to a road built to
38 primary or higher standards.

39 (d) Where and such use abuts residentially zoned property, screening that
40 prevents visual impact of the use to adjoining and confronting
41 properties must be provided for all parking areas and all exterior areas
42 devoted to on-site operations and the storage of inventory and
43 equipment.

44 (e) The Board may regulate hours of operation, numbers of vehicles and
45 personnel employed, and other on-site operations, including minor
46 repairs to equipment and vehicles used in the operation of the
47 business, so as to prevent adverse impact on adjoining uses.

48 (f) One and one-half parking spaces must be provided on-site for each
49 1,000 square feet of total floor area and sufficient area provided for
50 loading and unloading of trucks.

51 * * *

52 **Sec. 3. Effective date.** This ordinance takes effect 20 days after the date of
53 Council adoption.

54
55 This is a correct copy of Council action.

56
57 _____
58 Linda M. Lauer, Clerk of the Council

Resolution No:
Introduced: December 4, 2007
Adopted: December 4, 2007

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND

By: District Council

Subject: Notice of Public Hearing on Zoning Text Amendment 07-16

Background

1. Section 59-H-9.3 of the Montgomery County Ordinance requires that, within thirty days of introduction of any text amendment, the Council act by resolution to set a date and time for public hearing on the proposed amendment.
2. Zoning Text Amendment No. 07-16, which would amend the Rural Cluster Zone to allow outdoor storage as a special exception and to provide standards for an outdoor storage special exception, was introduced on December 4, 2007.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

Legal notice will be given of the public hearing to be held on January 15, 2008 at 1:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council